

## **Chapin Fitzgerald Wins on Appeal in Fraud Class Action**

June 26, 2014, San Diego, California

The California Court of Appeal affirmed a judgment of dismissal for Chapin Fitzgerald LLP's client, a large international real estate developer, in *James Sarnecky et al. v. Barratt Developments, PLC* (Case No. D063848).

In the trial court, the plaintiff, together with a putative class of other homeowners in the Seahaus La Jolla condominium project, sought redress over the allegedly fraudulent marketing and sale of their defective condominiums. Represented by former San Diego City Attorney Mike Aguirre, the plaintiffs alleged that the defendants, including a publicly-traded international real estate developer, conspired to conceal construction defects and defrauded plaintiffs into purchasing their condominium units. Chapin Fitzgerald demurred to two versions of plaintiffs' amended complaints, and successfully obtained a dismissal for its real estate developer client at the pleadings stage - the only defendant in the case to do so

The plaintiffs appealed from the judgment in favor of Chapin Fitzgerald's client. The plaintiffs contended that the trial court erred in sustaining the defendant real estate developer's demurrer without leave to amend. In a decision released today, on a de novo review, the Court of Appeal affirmed the judgment, accepting Chapin Fitzgerald's arguments that plaintiffs had failed to allege facts sufficient to state a claim, and could not do so even if given leave to amend. The decision of the Court of Appeal puts a final end to the case against Chapin Fitzgerald's client.

### **About Chapin Fitzgerald**

*Chapin Fitzgerald LLP is a boutique litigation firm of highly experienced trial attorneys committed to aggressive, honest advocacy. Focused on trying cases and handling controversies, its practice is centered around trial and litigation matters. The firm represents both plaintiffs and defendants, and it advocates for corporate entities as well as individuals. Chapin Fitzgerald's lawyers have represented some of the most sophisticated clients in the business world, and championed the causes of vulnerable individuals wronged by powerful corporate and government interests. Whatever the particular matter, the firm's overriding commitment is to represent all clients vigorously and thoughtfully, with civility, integrity and professionalism. Regardless of the client, the firm is committed to excellence in the courtroom and relishes the chance to tell a client's story to a jury. For more information, visit [www.cftriallawyers.com](http://www.cftriallawyers.com)*